

IAP/Rec'd PCT/PTO 01 MAY 2006

Dkt. 75632/JPW/JW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Omry Ben-Ezra, et al.  
U.S. Serial No. : 10/560,654  
Filed : as §371 national stage of PCT  
International Application No.  
PCT/IL2004/000496  
For : VAGAL STIMULATION FOR ANTI-EMBOLIC  
THERAPY

1185 Avenue of the Americas  
New York, New York 10036  
March 29, 2006

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION IN RESPONSE TO MARCH 21, 2006  
NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN  
THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)  
AND TRANSMITTAL OF VERIFIED STATEMENT (DECLARATION)  
CLAIMING SMALL ENTITY STATUS

This Communication is submitted in response to the March 21, 2006 Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) issued by the United States Patent and Trademark Office in connection with the above-identified application. The March 21, 2006 Notification, a copy of which is attached hereto as **Exhibit A**, provides two (2) months for filing a response. Therefore, a response to the March 21, 2006 Notification is due May 21, 2006. Accordingly, this Amendment is being timely filed.

The March 21, 2006 Notification indicates that the oath or declaration is unsigned. In response, applicants submit hereto as **Exhibit B** a signed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.497(a). In compliance with 37 C.F.R. §1.63, the Declaration refers to the application's above-identified serial number and filing date.

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In addition, applicants attach hereto as **Exhibit C** a Verified Statement (Declaration) Claiming Small Entity Status under 37 C.F.R. §1.9(f) and §1.27(c) in connection with the above-identified application signed by authorized official Ehud Cohen on behalf of BioControl Medical Ltd.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone them at the number provided below.

No fee, other than the \$65.00 declaration surcharge, is deemed necessary. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

05/11/2006 ATRAW1 00000171 10560654

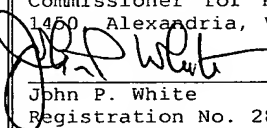
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Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
	April 25, 2006
John P. White	Date
Registration No. 28,678	

JPW

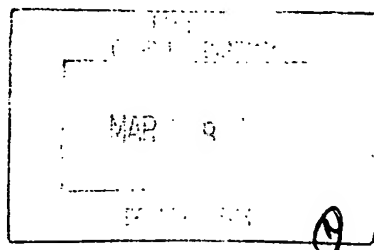


## UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/560,654	Omry Ben-Ezra	75632/JPW/JW

23432  
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1185 AVENUE OF THE AMERICAS  
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INTERNATIONAL APPLICATION NO.	
PCT/IL04/00496	
I.A. FILING DATE	PRIORITY DATE
06/10/2004	06/13/2003

CONFIRMATION NO. 2254  
371 FORMALITIES LETTER  
  
\*OC000000018310238\*

Date Mailed: 03/21/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/13/2005
- Copy of the International Search Report filed on 12/13/2005
- Preliminary Amendments filed on 12/13/2005
- Oath or Declaration filed on 12/13/2005
- Request for Immediate Examination filed on 12/13/2005
- U.S. Basic National Fees filed on 12/13/2005
- Specification filed on 12/13/2005
- Claims filed on 12/13/2005
- Abstracts filed on 12/13/2005
- Drawings filed on 12/13/2005

2mo - 5/21/06  
3mo - 6/21/06  
4mo - 7/21/06  
3mo - 8/21/06  
6mo - 9/21/06  
7mo - 10/21/06

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

BEST AVAILABLE COPY

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/560,654	PCT/IL04/00496	75632/JPW/JW

FORM PCT/DO/EO/905 (371 Formalities Notice)

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